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DEC 11 2007

APPLICANT(S): BURR, Jeremy
SERIAL NO.: 10/035,463
FILED: October 18, 2001
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-5 and 7-28 are pending in the application.

Claims 1-5 and 7-28 have been rejected.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-5 and 7-28 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,816,460 (Ahmed) and in view of U.S. Patent Application Publication No. 2002/0183068 A1 (Dunko). Applicants respectfully traverse the rejection based on the remarks that follow.

After the final Office action dated January 24, 2007, Applicants amended the claims to recite a processor "programmed to establish a mobile ad-hoc network of mobile devices capable of communicating with each other and to construct a routing list of only a subset of the mobile devices of the ad-hoc network that include an installed common application software, wherein the processor is able to establish, within said mobile ad-hoc network, a sub-network of the mobile devices having installed therein said common application software, according to said routing list."

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The Examiner issued an advisory action stating that the amendments to the claims would not be considered because they required a new search. Upon filing a request for continued examination, Applicants are dismayed to find the Examiner's rejection based on exactly the same references previously cited.

A careful review of the claims by the Examiner will reveal that the cited references – even taken together – do not in fact teach every element of claims 1, 7 and 18.

L The references do not teach “a routing list of only a subset of the mobile devices”

The Examiner has not explained how the Ahmed reference constructs a routing list of only a subset of the mobile devices of the ad-hoc network. The Examiner refers to Ahmed col. 4 lines 9-25 and col. 9 lines 1-20:

Illustratively, FIG. 1 shows a local topology 100 for node 105. As can be observed from FIG. 1, local topology 100 not only defines the nodes that are a part of local topology 100 but also how node 105 is connected to these nodes (i.e., a “network graph,” or simply “graph”). It is assumed that all communications are bi-directional and hence the graph is undirected; and that local topology 100 is non-hierarchical. Illustratively, node 105 stores in memory (not shown) a local topology table (as illustrated in FIG. 2), which corresponds to local topology 100 and a location table (as illustrated in FIG. 3), which stores location information for nodes (including nodes outside the local topology). As defined above, local topology 100 is representative of a 2-neighborhood for node 105, i.e., $S_{sup.2}(105)$, since all nodes of local topology 100 can be reached from node 105 in 2, or fewer, hops. As used herein, node 105 is the reference node for local topology 100.

Nowhere in this section is there a teaching, disclosure or other reference to including only a subset of nodes in the ad-hoc network, and there is certainly no mention that a basis for such inclusion of only some nodes is based on common application software.

In fact, because the purpose of the Ahmed reference is to establish as many contacts as possible, Ahmed teaches away from constructing “a routing list of only a subset of the

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mobile devices of the ad-hoc network that include an installed common application software."

II. Bluetooth is not a "common software application"

In addition, as the Examiner concedes, the Ahmed reference does not teach a sub-set of mobile devices that have installed thereon common application software, as essentially recited in claims 1, 7, and 18.

The Examiner therefore cites the Dunko reference, stating that Dunko's "common" application is any Bluetooth application compatible with the searching device's Bluetooth application. However, Dunko also does not teach establishing a sub-network of mobile devices that have installed thereon common application software. The Examiner points to Dunko's searching for mobile devices with Bluetooth capabilities.

However, mere Bluetooth capabilities are not a software application. The Dunko reference merely identifies mobile devices capable of operating in accordance with a common interface standard. For example, the Dunko reference states:

[0007] To find a specified individual or group member, the user selects a designated individual or group from the database. . . A variety of search techniques and methods can be used. For example, the mobile terminal may include a short-range air interface, such as a BLUETOOTH interface. A mobile terminal equipped with a BLUETOOTH interface searches for other BLUETOOTH devices within about a 100 meter radius. When a compatible mobile terminal is found, the found device provides its search code to the searching mobile terminal. . . (emphasis added).

Thus, the Dunko reference does not teach a common application software, but merely interface compatibility. Indeed, even according to Dunko, Bluetooth is an interface standard protocol, and may be implemented as device hardware:

[0022] Mobile terminal 10 may also include a short range RF interface 40, such as a "BLUETOOTH" interface, which may use a separate antenna 42. BLUETOOTH is a universal radio interface in the 2.45 GHz frequency band

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that enables portable electronic devices to connect and communicate wirelessly via short-range, ad hoc networks. Different BLUETOOTH devices can automatically connect and link up with one another when they come into range to form an ad hoc network referred to in the BLUETOOTH standard as a piconet. The BLUETOOTH standard specifies how mobile terminals 10 can interconnect with one another and with stationary devices, such as desktop computers, printers, scanners, and stationary phones. . . (emphasis added)

Clearly, when Dunko refers to devices such as "desktop computers, printers, scanners, and stationary phones" connecting, they do not have common application software; they are merely capable of speaking the same protocol language.

To make an analogy, the mere fact that two people speak English does not mean that they have anything in common to talk about; likewise, the mere fact that two mobile devices both happen to have compatible Bluetooth interfaces does not mean that they have any common software applications.

In any event, once protocol-compatible devices are identified, Dunko teaches the creation of a sub-network based on identity of a user-selected group of friends. This does not result in a routing list of a sub-network of the mobile ad-hoc network of mobile devices capable of communicating with each other, wherein the sub-network includes only mobile devices that include an installed common application software.

The Dunko reference, therefore, does not disclose or suggest producing a routing list of a sub-network of devices capable of communication, wherein the criterion for inclusion in the routing list is the presence of an installed common application software, as essentially recited in claims 1, 7, and 18.

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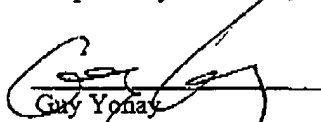
Based on the above, Applicant respectfully asserts that claims 1, 7 and 18 are allowable over the art of record, as are claims 2-5, 8-17 and 19-28, which respectively depend therefrom. Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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Dated: December 11, 2007

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